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-MCU Policy Letters are published and distributed via the Internet.

## **Marine Corps University Academic Policy Letters**

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### **MCU POLICY LETTER 8-03 - ACADEMIC FREEDOM AND NONATTRIBUTION POLICY**

References: (a) DoD Directive 5230 (Clearance of DoD Information for Public Release); (b) DoD Directive 5500.7 (Standards of Conduct)

Background:

a. Academic freedom is the ability of faculty, students, and staff within the University to pursue knowledge, speak, write, and explore concepts. Academic freedom is a key tenet at Marine Corps University and is fundamental and essential to the health of the academic institution.

b. The time-honored tradition of free speech carries with it profound individual responsibility as well. Academic integrity requires that anyone who writes for publication must pursue factual accuracy and safeguard classified information. Reference (a) describes procedures for release of information officially endorsed by an academic institution, as well as those for individuals acting in a private capacity, and not connected with their official duties.

c. The powerful amalgam of academic freedom and individual responsibility contributes to the institutional integrity of the University and includes the following principal elements:

- (1) Freedom to teach, conduct research, and publish research findings
- (2) Freedom to discuss in a classroom, any material or ideas relevant to the subject matter, as provided in the course objectives
- (3) Freedom to seek changes in academic and institutional policies
- (4) Responsibility to pursue excellence, intellectual honesty, and objectivity in teaching

(5) Responsibility to encourage faculty, students, and colleagues to engage in free discussion, publication, and inquiry

(6) Responsibility to encourage and nurture innovative critical thinking, discussion, and writing concerning national security issues and the enhancement of the standing and credibility of professional military education

d. A key component of learning requires that an open expression of thoughts and opinions exist in an atmosphere of academic freedom. Open expression requires trust that those thoughts and opinions will not appear subsequently in other environments where the speaker may encounter consequences if those remarks are attributed to that speaker. Nonattribution is the treating of statements made in a school forum as privileged information not to be attributed to a specific individual.

Policy:

a. Academic Freedom

(1) Authors/researchers and school and college directors will ensure material which carries the endorsement of the school satisfies the writing and scholarly standards of the school and meets security requirements.

(2) Authors shall ensure appropriate disclaimers accompany all publications they produce in a private capacity, where they are identified with MCU or any of its components. An appropriate disclaimer is as follows:

**"The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Department of Defense, United States government, United States Marine Corps, or the Marine Corps University."**

(3) Personnel who prepare manuscripts for publication on a subject in which they have had access to classified material should submit the manuscript through appropriate channels for security clearance prior to release to any publisher.

(4) All school and college directors shall provide an appropriate mechanism through which a proper security review may be conducted. If there is any question on the security aspects of material, it shall be submitted for security review in accordance with reference (a).

(5) Uniformed faculty and students are limited in the manner in which they may publicly criticize senior officials. However, as an academic institution, MCU recognizes and encourages full and open discussion and debate of any policies within the classroom and under the umbrella of nonattribution, so long as such criticism and debate is done in a professional manner.

(6) Faculty members may not be separated for exhibiting academic freedom and candor in written and oral products, provided the provisions of references (a) and (b) are followed.

b. Nonattribution

(1) MCU encourages faculty, staff, and students to actively engage in free discussion and inquiry expressing their personal views in lectures or in seminar discussion groups without fear of attribution. At the beginning of each academic year or course of instruction, school and college directors are responsible for informing faculty, staff, and students of the MCU policy to maintain an atmosphere of free and open discussion while also adhering to the principles of nonattribution.

(2) Attendees at MCU guest speaker presentations will not record them verbatim, by any means, without express written permission in advance from the guest speaker and the school's or college's director or authorized representative. Those wishing to request permission should follow the example provided in enclosure (1). To facilitate candid expression and learning, the nonattribution policy applies to all MCU programs, sessions, and distributed materials in which guest speakers participate.

5. Applicability. The provisions of this policy apply to all faculty, staff, resident, seminar, and distance learning students, military personnel, and civilian employees assigned to or serving with Marine Corps University.

## **MCU POLICY LETTER 4-03 - FACULTY, STAFF, AND STUDENT COPYRIGHT POLICY**

References: (a) Title 17, United States Code, Copyright Act of 1976; (b) SECNAVINST 5870.6, Copyright in Works of Authorship Prepared by Department of the Navy Personnel, 8 September 1988; (c) Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R., Section 2635.807.

Background:

a. As noted in reference (a), section 102 of Title 17 states that, "Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression . . . [to] include . . . literary works."

b. However, Section 105 of Title 17 limits the broad grant of protection and states that, "Copyright protection under this title is not available for any work of the United States Government." Section 101 defines a "work of the United States

Government" as "work prepared by an officer or employee of the United States Government as part of that person's official duties."

Policy:

a. Works of the government

(1) Any materials prepared as part of official duties are a work of the government. Materials originally produced as part of official duties cannot simply be "re-packaged" or "re-merchandised." They will still be treated as works of the government.

(2) No copyright can exist for such material for purposes of either use of the author or assignment to a publisher. Therefore, neither an author nor the government may receive compensation for the right to reproduce or publish materials classified as works of the government.

(3) Reference (b) offers the following general criteria when determining if works are prepared as part of official duties:

(a) Preparation of the work was within the employee's position, job or billet description. This includes a work properly self-assigned by the employee who was in a position to do so.

(b) Preparation of the work was properly assigned by the employee's supervisor.

b. Works owned by the author

(1) Any materials prepared by a government employee not as a part of that person's official duties belong to the author, and the author can receive copyright protection and usually reap any associated revenues for such material.

(2) A book or article written on a subject that the author is currently teaching or researching may receive copyright protection as long as the book or article was not the product of official duties (assigned or implied). The MCU hires instructors for their subject matter expertise, and they may use that expertise for their own benefit, as well as that of the government, in accordance with established guidelines and reference (c).

(a) Reference (b), paragraph 5.b states: "The fact (or absence of the fact) that there was a Government contribution in the preparation of the work is not, in and of itself, determinative of whether the work was prepared as part of official duties. (Examples of 'Government contributions' are use of Government time, facilities, equipment, materials, funds, or the services of other Government employees on official duty.)"

(b) Paragraph 5c of reference (b) further states: "An employee is not prevented from asserting a copyright in a work prepared at that person's own volition and clearly outside his or her official duties, even though the work includes knowledge or information derived from the employee's official duties or relates to the professional field of the employee."

(3) The essential test is whether the work is at the author's *own initiative*, not *at* the government's behest.

c. The production of articles and manuscripts is fully supported and encouraged by MCU. Nevertheless, the primary mission of MCU is to develop and guide the future leaders of the military. Potential authors must take care not to detract from this central mission.

Responsibilities: All MCU staff, faculty, and students must adhere to the guidance in this policy when making copyright determinations or when seeking copyright protection and before submitting articles/materials for copyrighted publication.

## **MCU POLICY LETTER 3-03 - PLAGIARISM POLICY**

### **Background**

a. Plagiarism is generally defined as the presentation of another's writing or another's ideas as one's own without appropriate citation or credit. It is a serious violation of ethics and scholarship and constitutes serious misconduct for a military member or government employee. Detection can therefore result not only in academic sanctions (e.g. dismissal from a program, adverse fitness report, denial of promotion, etc.) but also civil action and, under certain circumstances, criminal prosecution.

b. The misuse of writings of another author, even when one does not borrow exact wording, can be as unfair, as unethical, and as unprofessional as outright plagiarism. Such misuse includes the limited borrowing, without attribution, of another writer's distinctive and significant research findings, hypotheses, theories, rhetorical strategies, interpretations, as well as an "extended" borrowing even with attribution. Simply because material may exist in the public domain does not mean it can be used in an academic setting without proper citation.

### **Forms of Plagiarism**

a. The most common forms of plagiarism are:

(1) Appropriation of either whole papers or merely exact phrasing from another source, without quotation marks or footnote attribution.

(2) The presentation of other writers' unique ideas, which derive from previously published works but which are not acknowledged as derivative from those sources.

b. The clearest abuse is the presentation of another writer's work as one's own, or use of another's language without quotation marks and note citation. More subtle abuses include the appropriation of concepts, data, or notes, all disguised in newly crafted sentences, or reference to a borrowed work in an early note and coupled with extensive further use without attribution. Plagiarism also includes improper use of material extracted from the Internet, other electronic sources, and verbatim passages used in oral presentations without proper acknowledgment. All such tactics reflect an unworthy disregard for the contribution of others.

c. A less frequent, but equally unethical, form of plagiarism is submission of the same paper as original work to satisfy the requirements of more than one course.

d. The best defense against possible plagiarism is thorough documentation of the work. All MCU students will familiarize themselves with individual school or college policies as contained in the school's respective Standard Operating Procedures and the recommended style manuals that contain detailed examples of proper citation.

**Policy:** The following policies regarding plagiarism will be followed at MCU:

a. All University faculty, staff, and students must be vigilant against plagiarism violations and immediately report instances to their respective school or college leadership.

b. Student works will consist primarily of the student's own thoughts and words, expressed in his/her own phrasing.

c. When a writer uses ideas or wording that are not his or her own but presents them as if they were, he or she has committed plagiarism.

d. Instructors or faculty who believe they have detected plagiarism will request the convening of a Student Performance Evaluation Board (SPEB). If the Board determines that a student has committed plagiarism, that military member or government employee is liable to punitive action pursuant to the SPEB policy.

**Applicability:** This policy applies to all personnel of Marine Corps University.

## **MCU POLICY LETTER 5-03 - STUDENT PERFORMANCE EVALUATION BOARD**

Background: Marine Corps University (MCU) Student Performance Evaluation Boards (SPEB) are administrative in nature, not disciplinary. As such, the purpose of the SPEB is to provide a forum for resolution of a wide variety of student-related issues. These include, but are not limited to, extended absences, substandard academic performance, attitudinal problems, and violations of professional ethical standards or integrity issues. As an administrative proceeding, the SPEB serves both an institutional and an individual purpose. At the institutional level, the SPEB provides a review process for substandard performance and recommends appropriate action. At the individual level, the SPEB may assist the student by improving performance and monitoring progress. The ultimate goal of the SPEB is to determine what is best for the school, the student, and the Marine Corps, and recommend appropriate action.

Policy:

- a. Any MCU faculty or staff member may recommend to the Director, through the Deputy Director, that a SPEB be convened. However, the decision to convene the board rests solely with the Director. The SPEB will convene within five working days of the Director's decision that a board is required, or as soon as practicable.
- b. Directors will determine the exact composition of the board, and appoint all members in writing. A sample appointment letter is found at Enclosure 1. The senior member of the board will serve as the board president. Membership should consist of five members, with at least two impartial members. These two impartial members may be faculty or staff from another MCU school or the MCU staff. One member of the board will be designated as recorder. Personnel with expertise in the area to be investigated may also be invited to attend as advisors to the SPEB, but will not be allowed to vote. All five board members will have equal vote. In forming the board, the Director will consider the need to represent the diverse nature of the student body.
- c. The Director will notify the student in writing that a SPEB will convene, and direct him/her to appear before the board (sample notification letter is Enclosure 2).
- d. Students may seek legal advice and have legal counsel present as an advisor, but will not be represented by legal counsel during the conduct of the board.
- e. Enclosure 3 contains a preamble used to open the board, describe the general conduct of the proceedings, and advise the student of the range of options available to the board to recommend to the Director for resolution. The board will stress that the outcome of the board is a recommendation, as the Director is the approving official for any action.
- f. The SPEB may request statements, written or in person, from any individual with knowledge of the facts requiring the board. The student will be afforded the opportunity to make a statement and respond to questions of the board, but will not be present during board deliberations. The board president will determine whether the student may be present during all, or portions, of the fact-gathering phase of the board proceedings. All proceedings will be strictly confidential. A simple majority vote is required to adopt a recommendation.
- g. The standard of proof to justify an adverse recommendation by the board is "preponderant evidence." This is evidence a reasonable person would be willing to accept as sufficient to support the conclusion, and is a greater weight of evidence than supports any different conclusion.
- h. The board will submit a written report of their deliberations to the Director for approval and disposition. This report should be submitted within 24 hours (one duty day) of the board adjourning and should follow the format as outlined in Enclosure 4. Dissenting board members may, at their option, prepare a written minority recommendation to accompany the board report.

- i. Recommendations of the board may include, but are not limited to:
    - 1). Student continues in the course without prejudice
    - 2). Student is asked to resubmit a requirement
    - 3). Student is placed on academic probation
    - 4). Student receives formal counseling
    - 5). Student receives non-punitive letter of caution
    - 6). Student receives a certificate of attendance rather than a diploma
    - 7). Student is dropped from the course and dismissed from the university
    - 8). Other action as deemed necessary by the Director
  - j. The student may submit written matters for consideration by the Director, in conjunction with the board recommendations. These matters must be submitted to the Director no later than 24 hours (one duty day) after the conclusion of the board.
  - k. The Director will notify the student verbally, and in writing of his decision. A sample letter is provided in Enclosure 5. If a student is awarded anything less than full graduation honors due to substandard performance, the letter will be entered into the student's school record.
  - l. Students may submit a letter of appeal to the President, MCU, within five working days of notification of the decision of the Director.
- Applicability: This policy applies to personnel attending MCWAR, CSC, SAW, and EWS. Due to the unique nature of their curricula and/or the distributed delivery methodology, the Staff Noncommissioned Officer Academy will develop similar procedures, as appropriate.

### **MCU POLICY LETTER 7-03 - STUDENTS' ROLE & PARTICIPATION IN INSTITUTIONAL DECISION-MAKING**

Background: The Marine Corps University student body consists of professionals who are empowered to serve and lead within service, joint, and multi-national environments at the tactical, operational, and strategic levels of war. Incorporating student participation in the MCU decision-making processes allows the University to leverage the input of those that we educate. This policy letter publishes the MCU statement related to student governance.

Policy:

- a. It is the policy of this headquarters that students play an important role in institutional decision-making within the University, and that they should participate actively in that process. Regardless of the school or college within the University, student participation in institutional decision-making is important to the health of the University. The precise character of the role played by students is for the school or college director to determine, subject to review by Headquarters, MCU.
- b. Each school or college within MCU will define their students' role and participation in institutional decision-making. A logical place for that definition is the individual school or college Standing Operating Procedure or Academic Regulations. Areas in which school or college directors can define the role and participation of students in institutional decision-making include, but are not limited to, the following:
  - (1) Class Organization, including "chain of command" positions and their responsibilities
  - (2) Course Content Review Boards
  - (3) Academic and other awards
  - (4) Base support of activity requirements
  - (5) Academic freedom and non-attribution
  - (6) Plagiarism

Applicability: The provisions of this policy apply to all MCU school and college directors.